

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>JAMES DOUGLAS WITTE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:15-cv-00580</b>
	)	<b>Chief Judge Crenshaw</b>
<b>NANCY BERRYHILL, Commissioner</b>	)	
<b>of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

The Magistrate Judge has entered a Report and Recommendation (Doc. No. 18) recommending that Plaintiff’s First Motion for Judgment on the Record (Doc. No. 14) be granted and that this case be remanded to the Commissioner of Social Security “for a new decision identifying good reasons for the weight given to the treating physician’s opinion and for any additional administrative proceedings deemed necessary and appropriate by the Commissioner.” (Doc. No. 18 at 17). No objections have been filed to the Report and Recommendation. Having undertaken the *de novo* review required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition.

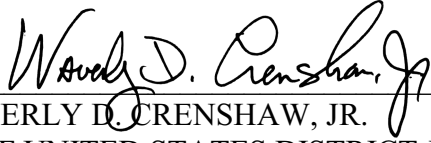
Accordingly, the Report and Recommendation (Doc. No. 18) is **ADOPTED**, Plaintiff’s First Motion for Judgment on the Record (Doc. No. 14) is **GRANTED**, and this case is hereby **REMANDED** to the Commissioner for further proceedings in accordance with 42 U.S.C. § 405(g).

While a remand under § 405(g) “makes the plaintiff a ‘prevailing party’” under the Equal Access to Justice Act, Turner v. Comm’r of Soc. Sec., 680 F.3d 721, 723 (6th Cir. 2012), Plaintiff filed his Motion for Attorney’s Fees (Doc. No. 19) prematurely, and that Motion is **DENIED WITHOUT**

**PREJUDICE** to refiling.

The Clerk of the Court shall enter a final Judgment in accordance with Rule 58.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE